

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

NEKESAH SIMON,

Petitioner,

v.

CYNTHIA S. WHEELER-WHITE,

Respondent.

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CIVIL ACTION NO. 09-369-CB-N

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is ORDERED that this action is DISMISSED without prejudice to allow petitioner to exhaust her claims in state court.

DONE this 4th day of August, 2010.

/s/Charles R. Butler, Jr.

CHARLES R. BUTLER, JR.

SENIOR UNITED STATES DISTRICT JUDGE